

**BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON
BOARD MEETING MINUTES
April 27, 2009**

The Board of County Commissioners for Lewis County, Washington met in regular session on Monday, April 27, 2009, at 10:00 a.m. **COMMISSIONERS F. LEE GROSE, RON AVERILL, and P.W. SCHULTE** were in attendance. **Chairman Grose** determined a quorum, called the meeting to order and proceeded with the flag salute. **Commissioner Averill** moved to approve the minutes from the 10:00 a.m. meeting held on Monday, April 20, 2009. **Commissioner Schulte** seconded.

Motion carried 3-0

Public Comment

Judith Sigler, Mossyrock, WA, discussed the problems with Hadaller Road. She is concerned what will happen when the road is not passable. She would like to see something done about the damaged road this year. She feels it is taking too long for repairs to be completed.

Chairman Grose stated he sympathized with Ms. Sigler, and understands her frustration. He noted that we have been stymied by lack of action on the part of FEMA. He also noted that the eagle situation is a real problem. We did stall construction because of the eagle population in this area. We cannot control these things. The County is at the will of other federal and state agencies that we have to rely on for funding, permitting or for permission and we cannot react as rapidly as we would like to in these situations. He assured Ms. Sigler we were moving forward with repairs to Hadaller Road, but it is not as easy to do with other entities involved. He let her know he appreciates her comments. He also noted that repairs to Hadaller Road will be done as soon as possible.

Ms. Sigler asked what the Board was going to do if the road washed away and was not passable.

Chairman Grose stated the Board would deal with that if it happens. He noted there was nothing more that could be done at this point.

Notice

Commissioner Schulte made a motion to approve Notice Items one and two **Commissioner Averill** seconded the motion. Karri Muir, Clerk of the Board read the items into the record.

1. **Proclamation: Proclaiming April as "Disaster Preparedness Month" in Lewis County.**
2. **Notice: For the 2009 Title III funding 45 day comment period. Comment period begins April 29, 2009 and ends June 15, 2009 at 5:00 pm.**

Item No. 1: Commissioner Averill read the proclamation into the record.

Ross McDowell, Lewis County Emergency Management apologized for the proclamation coming forth so late. He let the Board know that the recent 'earthquake drill' had more than 9000 participants. This was an outstanding turnout for this drill. Department of Emergency Management also conducted training at Centralia High School with students on self-preparedness. Although this proclamation is coming a later time in the month, DEM is pushing self-preparedness all year long.

Chairman Grose asked to adopt the proclamation separately.

Motion carried 3-0

Item No. 2: Commissioner Averill stated Lewis County has received \$375,000 in Federal Title III grant funding for the next two Federal Fiscal Years from USDA Forest Service Secure Rural Schools funding. Four Lewis County Fire Districts have submitted applications for this funding. This notice informs the public that they may review and comment on the distribution of these funds for 45 days, beginning April 29.

Motion carried 3-0

Consent

Commissioner Schulte made a motion to approve Consent Items three through seven. **Commissioner Averill** seconded the motion. Karri Muir, Clerk of the Board, read the items into the record.

3. **Resolution No. 09-118** Approving publication of 2008 County Forces Costs pursuant to RCW 36.77.070.
4. **Resolution No. 09-119** Appointing Robert Wheeler, City of Napavine representative, to the Lewis County Solid Waste Advisory Committee.
5. **Resolution No. 09-120** Approving Title III contract amendment between Lewis County and Burley Mountain Dorm for extension of Title III funds.
6. **Resolution No. 09-121** Approving a Collective Bargaining Agreement with Teamsters 252 representing the Supervisor's Group.
7. **Resolution No. 09-122** Approving a Collective Bargaining Agreement with Teamsters 252 representing the Assessor's Group

Item No. 3: John Huestis, Public Works stated the RCW 36-77-070 requires Public Works to advertise projects done by county work forces in the past year. Three projects used county work forces in 2008:

- Small construction countywide - \$43,486
- Culverts countywide- \$13,479
- Newaukum Bridge Bank Stabilization- \$125,534

Commissioner Averill clarified that 'county forces' used to be called day labor projects. The State Legislature passed a bill changing the name to county forces.

Item No 4: John Huestis Public Works stated the Solid Waste Advisory Committee (SWAC) is made up of nine members. Appointing Mr. Wheeler to the committee will bring the membership to nine. The SWAC advises the Board of County Commissioners and Lewis County Solid District #1 on solid waste disposal planning and policy.

Commissioner Averill noted that the SWAC is set by statute and the committee members are to be from certain area businesses or citizens. Lewis County is unique in so far as we have a Solid Waste Disposal District that is county wide and all the incorporated areas and the county are members.

Item No. 5: Commissioner Averill stated this resolution approves an extension of USFS Secure Rural Schools Title III funding of \$20,000 from 2008 to 2009 for constructing the new Burley Mountain Dorm at the Cispus Learning Center, Randle, WA. He noted that the funding was allocated in 2008 and was not spent.

Item No. 6 and No. 7: Archie Smith, Human Resources stated these resolutions would pass the Collective Bargaining Agreements for the Assessor's and Supervisor's Unions. He noted the major issues were the COLA (cost of living adjustment) and health benefits.

Commissioner Averill asked if these were one-year contracts from January 1, 2009 through December 31, 2009.

Mr. Smith stated they were one-year contracts because the County could not guarantee a COLA for next year. The unions are reluctant to lock into a longer contract because of this.

Commissioner Averill asked how many more contracts are there left to settle.

Mr. Smith stated there are four more.

Motion carried 3-0

Hearing

Hearing

Open Space Land Reclassification

Chairman Grose announced the hearing and asked for a staff report.

Diane Dorey, Lewis County Assessor stated the hearing is for lands to be classified as Open Space Open Space or Open Space Farm and Agricultural Conservation lands. The Public Benefit Rating System (PBRs) went through an extensive process this year screening and scoring applications. The PBRs gave points on properties for meeting certain criteria. The scores were passed on to the Planning Commission. The Planning

Commission reviewed the screened applications and approved them. Those approved applications are being brought forward this morning for the BOCC's approval.

Chairman Grose asked for questions from the Board and audience.

Commissioner Averill stated there are two different things we deal with in Open Space. The important thing about Open Space is by being designated into Open Space you get a tax break. That tax break means that for most of our taxes there is a set budget by each of the participating assessment districts. Those are set budgets, so if we give a break in one area to a property owner, then the taxes are shifted. Those who do not get that break pay slightly higher taxes because other people are getting the break. The important thing is that those who do get the break get it for the purpose that it was originally intended. A current project that was started by the Department of Revenue was a mandate to the Assessor's a couple of years ago, that has caused the Assessor's to go back and re-asses those people who have tax breaks to make sure they are eligible for them. This issue was before the State Legislature this session. A number of people, who were declared ineligible, went to the Legislature seeking relief. As a result of this there were some additional clarifications that were given to those that are eligible. The rules are slightly different. Open Space when it was passed by the Legislature before, was intended for major property owners to preserve that land for forestry, agriculture, or conservation. A lot people take advantage of this program that own far less than the 20 acres for forestry. If you have less than 20 acres, it takes special approval and different standards for proving your eligibility to stay in the program. The issue that was taken up with the 46 properties is not whether they are eligible or not, but what percentage of tax relief they get. He asked if there were any significant changes that came up in any of the three categories.

Ms. Dorey stated there were not.

Commissioner Averill asked if the horse boarding issue came up.

Ms. Dorey stated the horse-boarding bill did pass in the Legislature. The property owner has to be able to prove income. The other change was for Christmas trees, you must have them planted at the time you request to go into a tax break program, and you do not have to prove income. These have passed the Legislature but have not been signed by the Governor.

Commissioner Averill thought it might not only be Christmas trees that are in that bill. The law says you have to show income in five years. Christmas trees are typically a seven year growth period.

Ms Dorey stated it was not only Christmas trees it was fruit trees, and other perennial crops that take longer than a year or three to mature and produce crops in order to gain income.

Commissioner Averill asked what conservation land was.

Ms. Dorey stated that conservation land is land that is left in its natural state. The

farming land/agricultural land is land that was traditionally farm land or typically farm land that will go back into farming in the future.

Commissioner Averill asked why someone would do that.

Ms. Dorey gave an example of someone unable to farm, like a 95-year-old person and cannot farm anymore, could go into the conservation program and avoid paying the taxes until either someone in the family is able or willing to take it over or they sell the property and the new owners take over the farming. It gives those people a break.

Chairman Grose stated that in our audit meeting with the State Auditor regarding the Assessor's Office, he was surprised that they didn't know any more about the relationship between the Growth Management Act, ARL's and the assessed value of those properties, and that there is often a disconnect between the two. That was a revelation to the Auditor's that there are conflicting laws that need to be resolved. Part of the problem was that our land use zoning and our assessed valuation do not always agree, but the laws themselves conflict. The County has to deal with both of those matters.

He then asked if there were any more questions. There was none. He closed the question and answer portion of the hearing and opened the formal hearing.

Ms. Dorey asked that her previous comments be adopted into the record.

Chairman Grose asked if there was anyone who would like to speak for or against Resolution 09-123.

Commissioner Averill stated there were five members on the PBRs that represent real estate, the farm community, a Commissioner, the Assessor and a member from the Planning Department. They went through each of the properties individually and looked at exactly what they were doing. It was not a blanket thing that you received 80% relief, quite a number of the properties got 30 or 40%. It is a good process and helps protect the average taxpayer. We make sure that not only do they qualify, but the degree to which they qualify.

Ms. Dorey added the difference between the point system is that for Open Space Open Space and Farm and Ag Conservation there is a percentage point given which equals ten percent off their assessed value for each point. It takes certain criteria to get a point for each category. The maximum a person can get is an 80% reduction; the minimum a person can get is 20% reduction. That reduction is off their market value.

Commissioner Averill also pointed out that in addition to the review board under the Assessor the Planning Commission also reviewed and held hearings on this and recommended it to the Board.

Chairman Grose closed the hearing and asked for a motion to approve Resolution 09-123.

Commissioner Averill moved to approve resolution 09-123. **Commissioner Schulte** seconded the motion.

Motion carried 3-0

Hearing

Ordinance 1206 Extending the Building Moratorium

Chairman Grose announced the hearing and asked for a staff report.

Barb Kincaid stated Ordinance 1206 is a renewal of a voluntary building moratorium on lands that are under review for the agricultural resource land (ARL) designation. These are lands subject to the Growth Management Hearings Board (GMHB) non-compliance and invalidity order, as well as lands potentially suitable for long-term commercial agricultural use.

The statute has a sunset clause of six months. If we have not designated the ag resource lands, every six months we must hold a public hearing and submit findings and an ordinance to continue that moratorium. The last one adopted was Ordinance 1193D, in November of 2008.

The moratorium restricts certain development permit applications. It does not apply for permits for construction of single-family homes.

Commissioner Averill clarified that the moratorium restricts property owners to the use that they currently have.

Commissioner Averill asked how many times we have renewed this moratorium.

Ms. Kincaid stated this would be the fifth time.

Commissioner Averill stated we have been in invalidity for Agricultural Resource Lands for quite some time. He asked what would happen if the Commissioners did not approve the moratorium what would be the consequences?

Ms. Kincaid stated the implication of not adopting the moratorium is that those lands that we are considering to designate for agricultural resource land, there may be an opportunity for development to occur that in the future may not be consistent with the potential designation that we adopt.

Commissioner Averill asked if we have somewhat of a mandate from the GMHB to put these in moratorium.

Ms. Kincaid stated this is a good faith effort by the county. This is an effort to the GMHB to show that we are working very hard to do the work that we need to do to get out of invalidity.

Commissioner Averill questioned if the moratorium was voluntary. Once we were declared in invalidity, the consequences of not putting those lands in moratorium to prevent processes from continuing would have meant that the County could have been subjected to gubernatorial penalty,-- that is a lot more than a slap on the hand for being in invalidity.

Commissioner Schulte asked if there was state, funding that is tied to this.

Commissioner Averill stated there was

Bob Johnson, Community Development Director, stated that this is partially voluntary; the involuntary portion of it is the hammer that the state holds. If the County continues under invalidity and doesn't act in good faith to lift that invalidity and come into compliance with the Growth Management Act, the Governor may invoke sanctions on the County. That would include no tax revenue from the state. There is also a liability issue that if the County allowed projects to vest within those areas of invalidity, and they were not consistent with the future zoning as approved, the County could be liable for removal for those structures and or uses which could be potentially catastrophic from a financial standpoint. This is voluntary in the strictest sense, but is also a good management policy with respect to risk.

Commissioner Averill noted that all of the Board from one time or another has indicated we were interested in getting out of invalidity because of the impact it has on this county in terms of development in many areas. Where are we in terms of getting out of invalidity?

Mr. Johnson stated the PA's Office and the consultants have been working with the Planning Commission in resolving some of the issues. We have Planning Commission Meetings being held weekly until we come to resolution. The GMHB gave the County additional time to work on this. We are trying to get this done as quickly as possible.

Ms. Kincaid stated the invalidity order and the restrictions on those lands are not voluntary. The moratorium itself is voluntary. It is just a mirror that reflects those restrictions under invalidity.

Chairman Grose asked when we talk about "hammer and the sanctions that the state may impose regarding tax revenues" that not only affects Lewis County Government, but effects junior taxing districts such as schools and fire districts?

Mr. Johnson stated it affects all revenue that the state would send to Lewis County. It also restricts us to grant applications and receipt of money from grants if it is found that we are not are working in good faith toward compliance under GMA.

Chairman Grose stated if we did not pass this Ordinance there would be severe consequences from that.

He asked if there were any other questions. There was none. He closed the question and answer portion of the hearing and opened the formal hearing.

Ms. Kincaid asked that her pervious comments be adopted into the record.

Chairman Averill asked if there was anyone who would like to speak for or against Ordinance 1206.

Commissioner Averill stated this is the fifth extension on this moratorium and we really need to resolve the issues with the GMHB where we are in invalidity, but not at the expense of taking people's property rights away from them. There are some important questions that will go before the Planning Commission. These are issues that need to

be looked at and resolved before going back to the GMHB. He feels we are closer to getting this done.

Chairman Grose asked by looking at the map if there is significance to the green color or if it was just a contrast.

Ms. Kincaid stated the green indicated Federal Forest Lands.

Chairman Grose stated this moratorium is on agricultural resource lands, not on the rest of the land zoned differently. This does not restrict us on use on those properties that are zoned differently.

Commissioner Schulte stated it appears that the majority of the property that is designated ARL's is along the I-5 corridor, Hwy 6, and Hwy 12.

Ms. Kincaid stated there is a lot of pink on the map (indicating ARL's). The area that is in white is not subject to this moratorium.

Chairman Grose asked if there were any other comments. There was none. He closed the hearing and asked for a motion to approve Ordinance 1206.

Commissioner Averill moved to approve Ordinance 1206. Commissioner Schulte seconded the motion.


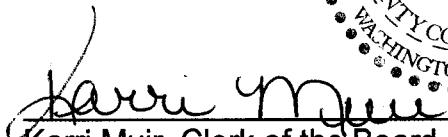
Motion carried 3-0

There being no further business, the Commissioners' public meeting was adjourned at 10:57 am, on April 27, 2009. The next public meeting will be held Monday, May 4, 2009, at 10:00 a.m.

Please note that minutes from the Board of County Commissioners' meetings are not verbatim. A recording of the meeting may be purchased at the Commissioners' office.

BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON

ATTEST:



Karri Muir, Clerk of the Board
Lewis County Commissioners


F. Lee Grose, Chairman


Ron Averill, Commissioner

